

News



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ASHTON-TATE FILES ANOTHER SOFTWARE PIRACY SUIT

TORRANCE, Calif., May 8, 1986 -- Ashton-Tate today announced it has filed a copyright infringement lawsuit in U.S. District Court in Baltimore against a Frederick, Md.-based firm, alleging it has pirated Ashton-Tate software.

The suit charges OHIS, Inc., a producer of health and occupational safety data monitoring systems, and six individual defendants connected with the company with: (1) allegedly reproducing and disseminating for use by its employees copies of Ashton-Tate's dBASE II and dBASE III, and (2) allegedly copying and selling Ashton-Tate's dBASE II as part of its data monitoring systems.

Filed last week, the suit also charges contributory copyright infringement in that OHIS allegedly sells its data monitoring systems as an outright sale instead of as a license, thereby allowing its customers to make further illegal copies of the software at their own discretion.

A former, high-ranking OHIS employee contacted Ashton-Tate regarding the alleged occurrences, according to Ashton-Tate associate counsel Geoffrey Berkin. Subsequent investigation

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revealed that OHIS has made "numerous" unauthorized copies of Ashton-Tate software for use in its day-to-day operations, and that it has based its data monitoring system on dBASE. Berkin said that several, if not all, of dBASE's execution files are part of OHIS' product.

"The filing of this suit indicates that Ashton-Tate is quite serious about protecting our software and pursuing software pirates," said Berkin. "We're upping the ante."

The Court granted Ashton-Tate's request for a temporary restraining order, stopping OHIS and the six individual defendants from copying, using, giving away and/or selling Ashton-Tate software. The six individuals include four officers and two non-officer employees of OHIS.

The Court also granted broad "expedited discovery," allowing Ashton-Tate's lawyers to demand from OHIS certain documents and other evidence without having to wait the customary four-week period and allowing early deposition of the OHIS employees.

In addition, the Court issued a seizure order under which Ashton-Tate lawyers, accompanied by U.S. Marshals, have begun reviewing for seizure and impoundment materials from business premises of OHIS and from the private residence of the principal defendant.

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Berkin said that Ashton-Tate has received a number of new reports of piracy as a result of publicity surrounding the company's recent legal actions.

Indicating that Ashton-Tate expects to file similar lawsuits in coming weeks, Berkin said: "We are investigating the new reports and may proceed if we find evidence of software piracy." In the OHIS case, Ashton-Tate, is currently seeking a hearing on a preliminary injunction.

Ashton-Tate, one of the three largest independent publishers of microcomputer software products, reported record revenues of \$121.6 million and record net income of \$16.6 million for fiscal 1986, ended January 31, 1986, an increase of 48 percent and 122 percent, respectively, from the previous year.

The company's products include dBASE III PLUS, dBASE III PLUS LAN Pack, Framework II and the MultiMate line of word processing products.

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tmFramework II and dBASE III PLUS are trademarks of Ashton-Tate.